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10/052,087	01/17/2002	Michael Becker	10076.02	9829

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EXAMINER

BECKER, SHAWN M

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/052,087

Applicant(s)

BECKER ET AL.

Examiner

Shawn M. Becker

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-36 and 38-51 is/are rejected.
- 7) ☒ Claim(s) 17 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11 24 02 **RB**
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-8, 15, 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 7 recites the limitation "the pals list window pane" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 8 recites the limitation "the pals list window pane" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 15 recites the limitation "the pals list window" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 29 recites the limitation "the pals list window pane" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2173

8. Claims 1-16, 18-36, 38-42, and 44-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,539,421 to Appelman et al. (hereinafter Appelman) and U.S. Patent No. 6,166,736 to Hugh (hereinafter Hugh).

Referring to claims 1, 18, 38, and 48, Appelman discloses a messaging-enabled digital device and computer readable medium with computer executable components for a method comprising:

- a messaging facility (i.e. col. 1, lines 26-39);

- a user input facility (i.e. col. 1, lines 17-20);

- and a graphical user interface comprising:

- a plurality of messaging sessions being handled by the messaging facility (i.e. Fig. 5);

- a message history window pane displaying information from an engaged messaging session (i.e. Fig. 3, 131); and

- a composition window pane displaying information for the engaged messaging session (i.e. Fig. 3, 132).

Appelman does not explicitly teach that the plurality of windows for the plurality of messaging sessions (i.e. Fig. 5) are represented by graphical indexing elements such that one of the graphical indexing elements is selected in response to the user input facility and the messaging session represented by the selected graphical indexing element is engaged. However, Hugh teaches that tabbing (graphically indexing) windows is an efficient method of managing multiple windows, such as in Figs. 3 and 8, and that selecting a tab brings the contents from that window to the top (engages the graphical indexing element). See Hugh at col. 1, line 60 – col. 2,

Art Unit: 2173

line 20 and col. 4, lines 44-60. Appelman describes how it is inconvenient for the user to switch between the plurality of windows shown in Fig. 5 (col. 2, lines 31-52); therefore, it would have been obvious to one of ordinary skill in the art to display the windows of Appelman as tabbed windows (graphical indexed elements) as shown in Hugh in order to efficiently manage the plurality of windows as taught in Hugh.

Referring to claims 2, 19, and 38, the graphical user interface further comprises a pals list window pane (i.e. Appelman at Fig. 4).

Referring to claims 3, 20, 39, and 49, the selected graphical indexing element of Appelman and Hugh, *supra*, is visually distinctive from others of the graphical indexing elements (contents are brought to the top).

Referring to claims 4 and 22, Appelman and Hugh, *supra*, comprises digital memory (Fig. 1, 109), the graphical user interface comprising executable program components stored in the digital memory, which may be permanently installed (i.e. hard drive memory) or removably installed (i.e. CD-Rom).

Referring to claims 5 and 23, the graphical user interface of Appelman and Hugh, *supra*, comprises executable program components received from a server over a network (i.e. Fig. 1, 127 and col. 26-39).

Referring to claim 6, the user interface of Appelman and Hugh, *supra*, comprises display components received from a server over a network (i.e. Fig. 1, 127 and col. 26-39).

Referring back to claims 4-6 and 21-23, see Hugh at col. 4, lines 38-43.

Referring to claims 7, 24-25, and 27, the pals list window pane, the graphical indexing elements, the message history window pane, and the composition window pane are distinct and

Art Unit: 2173

spaced apart visual structures in the device of Appelman and Hugh, *supra*. See Figs. 3-5 of Appelman and Figs. 3 and 8 of Hugh. Also, see Hugh at col. 2, lines 40-45, which teaches undocking windows, such that they may be detached like a regular window.

Referring to claims 26 and 28, Appelman shows an instance of displaying an additional message history window pane [and composition pane] containing no information from the engaged messaging session. See Fig. 5, which shows three different windows, each with a message history window pane [and composition pane], wherein message histories [and compositions] in the background do not contain information from the active (engaged) messaging session.

Referring to claims 8 and 29, Appelman teaches that the message history window pane and the composition window pane are integrated into a visually continuous structure (i.e. Fig. 3), but Appelman does not explicitly teach that the pals list window pane, the graphical indexing elements, the message history window pane, and the composition window pane are all integrated into a visually continuous structure. However, Hugh teaches that windows [panes] may be “snapped” together or docked (col. 2, lines 1-45) to create one continuously visual structure. It would have been obvious to one of ordinary skill in the art to integrate the pals list window pane, the graphical indexing elements, the message history window pane, and the composition window pane of Appelman and Hugh in order to save screen real estate as taught by Hugh.

Referring to claims 9 and 30, Appelman and Hugh, *supra*, teach that the graphical user interface further comprises:

a pals panel, the pals list window pane being a feature of the pals panel (i.e. Appelman at Fig. 4);

Art Unit: 2173

a message history panel, the message history window pane being a feature of the message history panel (i.e. Appelman at Fig. 3, 131); and

a composition panel, the composition window pane being a feature of the composition panel (i.e. Appelman at Fig. 3, 132);

wherein the message history panel and the composition panel are contiguous to one another (Fig. 3), but Appelman does not explicitly show that the pals panel is also contiguous to the message history panel and the composition panel. However, Hugh teaches that windows [panels] may be “snapped” together or docked (col. 2, lines 1-45) to create contiguous windows [panels]. It would have been obvious to one of ordinary skill in the art to display the pals panel, the message history panel, and the composition panel of Appelman and Hugh contiguous to one another in order to save screen real estate as taught by Hugh.

Referring to claims 10 and 30, the message history panel of Appelman comprises a pictorial representation of a generally rectangular document (i.e. Fig. 3, 131 is a rectangular window); and

the graphical indexing elements of Appelman and Hugh, *supra*, comprise pictorial representations of tabs disposed side-by-side in juxtaposition to one side of the generally rectangular document (i.e. Figs. 3 and 8 of Hugh), the selected graphical indexing element being a pictorial representation of a tab projecting from the generally rectangular document (i.e. projecting from rectangular document Alpha), and the graphical indexing elements other than the selected graphical indexing element being pictorial representations of tabs abutting against the generally rectangular document (i.e. Beta, Gamma, Delta).

Referring to claims 11 and 31, Appelman discloses a session command bar contiguous to the composition panel. See the toolbar below Fig. 3, 132.

Referring to claims 12 and 32, the graphical indexing elements of Appelman and Hugh are disposed in proximity to the message history window pane, the selected graphical indexing element being visually integrated with the message history window pane (i.e. Fig. 3 of Hugh shows the tabs/graphical indexing elements right above and integrated with the contents of the window pane, wherein Appelman teaches the message history is part of the contents of the window pane; Fig. 3) and the graphical indexing elements other than the selected graphical indexing element are visually divided from the message history window pane (i.e. the contents of the other window panes are obscured; Hugh at col. 4, lines 55-59).

Referring to claims 13 and 33, Appelman and Hugh, *supra*, teach that the graphical indexing elements may be disposed away from the message history pane (window pane). As an example see Hughes at Fig. 6 and col. 2, lines 45-51.

Referring to claims 14 and 34, the graphical indexing elements comprise pictorial representations of placards (nameplates, i.e. "Alpha", "Beta", and "Gamma" in Fig. 3 of Hugh) disposed side-by-side, the selected graphical indexing element being a pictorial representation of a placard having an enlarged shape (i.e. including the contents of the selected window pane) relative to the graphical indexing elements other than the selected graphical indexing element.

Referring to claims 15 and 35, Appelman and Hugh, *supra*, teach that device further comprises:

a pals panel, the pals list window pane being a feature of the pals panel (i.e. Appelman at Fig. 4);



Art Unit: 2173

a message history panel, the message history window pane being a feature of the message history panel (i.e. Appelman at Fig. 3, 131); and

a composition panel, the composition window pane being a feature of the composition panel (i.e. Appelman at Fig. 3, 132);

wherein the message history panel and the composition panel are contiguous to one another (Fig. 3) and separate from the pals panel (i.e. pals panel; Fig. 4, is a separate window panel), but Appelman does not explicitly show that the pictorial representation of the placards is contiguous to the pals panel. However, Hugh teaches that windows [panels] may be “snapped” together or docked (col. 2, lines 1-45) to create contiguous windows [panels]. It would have been obvious to one of ordinary skill in the art to display the pals panel of Appelman contiguous to the pictorial representations of the placards of Appelman and Hugh in order to save screen real estate as taught by Hugh.

Referring to claims 16 and 36, Appelman and Hugh teach that a first one of the graphical indexing elements other than the selected graphical indexing element represents a non-engaged messaging session having no unread messages (i.e. Beta from Fig. 3 of Hugh may represent a window from Fig. 5 of Appelman that has no unread messages);

a second one of the graphical indexing elements other than the selected graphical indexing element represents a non-engaged messaging session having at least one unread message (i.e. Gamma represents a window from Fig. 5 of Appelman that includes one unread message);

the message history window pane and the selected graphical indexing element are displayed with a first characteristic to indicate the engaged messaging session (i.e. Alpha

Art Unit: 2173

represents the engaged messaging session and is displayed with a first characteristic of being brought to the top; Hugh at col. 4, line 57);

the first graphical indexing element (i.e. Beta) is displayed with a second characteristic different than the first characteristic (i.e. displayed as in the background); but

Appelman and Hugh do not explicitly state displaying the second graphical indexing element (i.e. Gamma) with a third characteristic different from the first and second characteristics. However, it is well-known in the art of instant messaging that when a window contains an unread message (i.e. in AOL Instant Messenger™), it's indexing element in the taskbar blinks to capture the user's attention. The Examiner takes Official Notice of this teaching. It would have been obvious to one of ordinary skill in the art display the second graphical indexing element (i.e. Gamma) with a third characteristic (i.e. blinking) different than the first and second characteristics to alert the user that a window pane contains an unread message.

Referring to claim 40, Appelman discloses displaying a plurality of messaging mode headings in the pals list window pane (i.e. "AOL", "Family", and "Co-Workers"; Fig. 4); and displaying a pals list (i.e. "Ericbosco" and "Flatt") under one of the messaging mode headings (i.e. "AOL") in response to a user's selection thereof.

Referring to claim 41, Appelman discloses the selected messaging mode heading is a one-to-one messaging mode, further comprising:

assigning a name to a new messaging session (i.e. "mjohnson1934" in the title bar of the top right window in Fig. 5) in response to the user's selection of a pal from the pals list;

Art Unit: 2173

establishing the new messaging session (i.e. between mjohnson1934 and the user JDOE1934); and

designating the new messaging session as the engaged (active) messaging session.

Referring to claims 42 and 50, the selected messaging mode heading of Appelman may be a one-to-many messaging mode, further comprising:

assigning a name to a new messaging session in response to a user input (i.e. “mjohnson1934” in the title bar of the top right window in Fig. 5);

determining participants in the new messaging session in response to the user's selections from the pals list;

establishing the new messaging session (i.e. between mjohnson1934 and the user JDOE1934); and

designating the new messaging session as the engaged (active) messaging session. See col. 3, lines 4-39, which describes how messages may be addressed to a plurality of recipients.

Referring to claims 44 and 51, Appelman and Hugh, *supra*, teach receiving a message; establishing a new messaging session for the message received in the message receiving step; and

displaying an additional graphical indexing element (pop-up window; Appelman at col. 1, line 49 – col. 2, line 11) representing the new messaging session. Hugh teaches displaying each window as a tab (graphical indexing element) as described above.

Referring to claims 45 and 51, Appelman and Hugh teach detecting a user's selection of the additional graphical indexing element (tab) representing the new messaging session; and

Art Unit: 2173

designating the new messaging session (selected tabbed window) as the engaged messaging session in response to the detecting step. See Hugh at col. 4, lines 55-59. Selection of any of the tabs in Figs. 3 and 8 results in displaying the contents of that tabbed window and making that window active.

Referring to claim 46, Appelman and Hugh teach detecting a user's selection of one of the graphical indexing elements other than the selected graphical indexing element (tab); and

designating the messaging session corresponding to the user's selection (selected tabbed window) as the engaged messaging session in response to the detecting step. See Hugh at col. 4, lines 55-59. Selection of any of the tabs in Figs. 3 and 8 results in displaying the contents of that tabbed window and making that window active.

Referring to claim 47, Appelman discloses displaying a plurality of messaging mode headings in the pals list window pane (i.e. "AOL", "Family", and "Co-Workers"; Fig. 4); and displaying a pals list (i.e. "Ericbosco" and "Flatt") under one of the messaging mode headings (i.e. "AOL") in response to a user's selection thereof.

9. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Appelman, Hugh, and U.S. Patent No. 6,339,784 to Morris et al. (hereinafter Morris).

Referring to claim 43, Appelman and Hugh, *supra*, teach assigning a name to a new messaging session in response to a user input (i.e. "mjohnson1934" in the title bar of the top right window in Fig. 5);

determining participants in the new messaging session in response to the user's selections from the pals list;

Art Unit: 2173

establishing the new messaging session (i.e. between mjohnson1934 and the user JDOE1934); and

designating the new messaging session as the engaged (active) messaging session.

Appelman and Hugh do not explicitly teach that the selected messaging mode heading is a many-to-many messaging mode. However, Morris teaches an instant messaging method similar to that of Appelman in which a user may utilize a pals list (Buddy List; bottom of Fig. 2) and engage in many-to-many messaging (i.e. via a chat room), wherein the window for the chat room (messaging session) contains an assigned name (i.e. Fig. 2, 200). See Morris at col. 1, line 46 – col. 2, line 7. It would have been obvious to one of ordinary skill in the art to modify the instant messaging interface of Appelman and Hugh such that many-to-many messaging is a type of supported messaging mode in order to bring many users together to discuss a topic as supported in Morris.

#### *Allowable Subject Matter*

10. Claims 17 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: The prior art teaches multiple window instant messaging interfaces such as in Appelman, that the multiple windows may be arranged into a tabbed window interface (multiple graphical indexing elements) as in Hugh, and that a new unread message is brought to the user's attention by a flashing icon in the taskbar, but the prior art does not teach or fairly suggest displaying a non-engaged (out of focus) graphical indexing element that contains a new and unread message

Art Unit: 2173

differently than an one that contains an unread (but not new) message within the specific context as claimed.

*Conclusion*


12. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach instant messaging interface and graphical indexing methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is (571) 272-4046. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smb



**RAYMOND J. BAYERL**  
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**ART UNIT 2173**